

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE
CALIFORNIA DIESEL FUEL REGULATIONS**

Public Hearing Date: July 24, 2003
Public Availability Date of Second Supplemental Notice: April 29, 2004
Last Day for Supplemental Public Comment: May 14, 2004

This notice announces a second supplemental period in which the public may comment on additional modifications being proposed for the new regulations on diesel fuel lubricity and fuel used in qualifying military vehicles.

The Board's action. At a public hearing held July 24, 2003, the Air Resources Board (the Board or ARB) approved amendments to the California diesel fuel regulations, including reducing the maximum permissible sulfur content in vehicular diesel fuel from 500 to 15 parts per million by weight starting in mid-2006. The amendments also included the establishment of standards for diesel fuel lubricity, to be implemented starting August 1, 2004, and an exemption for diesel fuel used in qualifying military vehicles.

At the conclusion of the hearing, the Board adopted Resolution 03-17, in which it approved the originally proposed amendments with several modifications. The Resolution directed the Executive Officer to incorporate the modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period. The Resolution further directed the Executive Officer to consider all supplemental written comments regarding the modifications and then either to adopt the modified amendments, making further modifications as may be appropriate in light of the comments received, or to present the regulations to the Board for further consideration if warranted.

Additional modifications to the proposed text. Based on comments received during the supplemental comment period, the staff is proposing additional modifications regarding implementation of the lubricity standard and the exemption for specified military fuel. The modifications would postpone the implementation date of the first phase of the lubricity standard from August 1, 2004 to January 1, 2005, aligning it with the proposed effective date of the lubricity standard that was recently balloted by the American Society for Testing and Materials (ASTM). This would allow fuel suppliers to coordinate their California and national implementation efforts. The five month delay would occur whether or not the ASTM ballot is successful. The downstream implementation dates would be postponed five months as well.

In response to comments from the Department of the Navy, the modifications would refer to "military-specification fuel," the military's preferred terminology. They also modify the military exemption to include fuel used in all military vehicles exempted by ARB regulations from the

California emission standards. Finally, they eliminate the signage requirement for exempt fuel dispensed by fueling trucks. Nonsubstantive corrections identified by commenters in the diesel fuel regulations on sulfur and aromatic hydrocarbon content are being made without the need for an additional comment period.

Attachment I to this notice contains excerpts of the proposed regulatory text showing the additional proposed modifications to the originally proposed text, along with explanations of the modified language and its rationale.

Comments and subsequent action. The additional modifications are being made available for a second supplemental public comment period pursuant to section 11346.8 of the Government Code. The Executive Officer will consider all comments regarding the additional modifications received during the comment period, and will then take appropriate action pursuant to Resolution 03-17.

Written comments on the additional proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: ulsd2003@listserv.arb.ca.gov.

Facsimile submissions are to be transmitted to: (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by the end of the last day for supplemental comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulations and additional information made available by this notice will be considered by the Executive Officer.

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Assistant Division Chief
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Attachment